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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,248	02/13/2001	Robert Amson	065691/0209	2805

23533 7590 04/08/2003

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EXAMINER

SCHULTZ, JAMES

ART UNIT	PAPER NUMBER
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1635

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,248

Applicant(s)

AMSON ET AL.

Examiner

J. Douglas Schultz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13 is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's response filed January 21, 2003 has been considered. Rejections and/or objections not reiterated from the previous office action mailed July 16, 2002 are hereby withdrawn. The following rejections and/or objections are either newly applied or are reiterated and are the only rejections and/or objections presently applied to the instant application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The invention of the above claims is drawn to methods of screening for compounds that restore memory comprising administering a compound to a p53 deficient animal and determining if said compound restores memory, wherein said animal is a mouse, or wherein said p53 deficiency is present in both alleles.

Said claims are drawn broadly to methods of screening for compounds with memory restoring activity in any p53 deficient animal. The term "memory restoring activity" encompasses several distinct aspects of memory formation that are recognized by those of skill

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in the art as utilizing independent pathways. For example, memory formation can refer to those stored short term, or long term, which involve distinct processes, as evidenced in the reference of McGaugh et al., (Science, 2000. v287: 248-251). Applicants reference to “memory restoring activity” broadly encompasses restoring memory of all types. Furthermore, in regards to long-term memory storage, such language also encompasses the restoring of specific memories that were once held but were lost over time, or alternatively, the enhancement of one’s capacity to formulate and retain a larger number of new memories long-term. However, applicant has not provided sufficient description for a screening method that restores specific memories lost over time.

Furthermore, applicant has demonstrated no significant difference between any p53 deficient mice and wild type mice in short term memory. While the specification demonstrates that p53 +/- mice that are taught how to navigate the Morris water maze task do not recall the test as well as wild type mice when tested 15 days later, there is no significant difference between p53 +/- compared to wild type mice when tested in the immediate recall of how to navigate the maze. Moreover, p53 -/- mice never show a significant difference as compared to wild-type in any memory test. Accordingly, while applicant has demonstrated that p53 +/- mice could be used to screen compounds for long term memory enhancement, this demonstration does not provide sufficient guidance to convince one of skill in the art that applicant could screen for compounds in *any* p53 deficient animal to restore any type of memory activity, as broadly claimed. While applicant has amended claim 14 to include that “memory restoring activity” is indicated by improving a diminished capacity to recall, this amendment does not address the issues listed

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above in using any p53 deficient animal to screen for compounds that restore any type of memory as broadly claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Schultz whose telephone number is 703-308-9355. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 703-308-0447. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

James Douglas Schultz, PhD
April 7, 2003



ANDREW WANG
SUPERVISORY PATENT EXAMINER
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